

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY DAVID KALAYJIAN,

Defendant.

CR 17-13-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 22, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Gregory David Kalayjian’s guilty plea after Kalayjian appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to

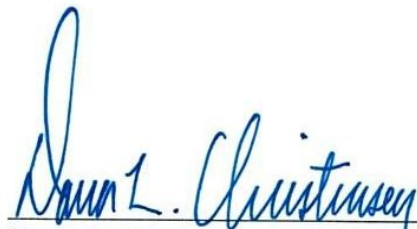
distribute methamphetamine and heroin in violation of 21 U.S.C. § 846 (Count I), and possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(I) (Count III) as set forth in the Indictment.

Defendant further admits to the forfeiture allegation. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II and IV through VII of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 57), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Gregory David Kalayjian's motion to change plea (Doc. 51) is GRANTED and Gregory David Kalayjian is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 7th day of July, 2017.


Dana L. Christensen, Chief District Judge
United States District Court